

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office. DEC 24 1992

Returned to applicant for correction.

Corrected application filed.

Map filed. DEC 24 1992 under 58426-E

The applicant. INDEPENDENCE MINING COMPANY, INC.

HC 31 Box 78, of Elko,
Street and No. or P.O. Box No. City or Town

Nevada 89801, hereby make^s application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a
copartnership or association, give names of members.) Incorporated January 26, 1978 in Delaware

1. The source of the proposed appropriation is underground (multiple locations)
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.26 second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.

3. The water to be used for environmental, as defined in N.R.S. 533.437
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated.

(b) Stockwater, state number and kinds of animals to be watered.

(c) Other use (describe fully under No. 12. "Remarks")

(d) Power:

(1) Horsepower developed.

(2) Point of return of water to stream.

5. The water is to be diverted from its source at the following point. within Lot 18, Section 4,
Describe as being within a 40-acre subdivision of public

T. 40N., R. 54E., MDM. (SEE ATTACHED AMENDMENT)
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

6. Place of use. Lots 17, 18, 19, and 20, Section 4, T. 40N., R. 54E., and all of
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

Section 33, T. 41N., R. 54E., MDM.

7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) small diameter drilled well, schedule 40
State manner in which water is to be diverted, i.e. diversion structure, ditches and
PVC casing, with perforations as
determined upon analysis, but generally total depths of less than 240 ft.
flumes, drilled well with pump and motor, etc. pipng submersible pump, totalizing meter.

9. Estimated cost of works..... each well \$5,000.00
10. Estimated time required to construct works..... five years. Most wells already constructed
and operating, under authority of N.D.E.P. If well completed, describe works.
11. Estimated time required to complete the application of water to beneficial use..... ten years, or for such duration as is deemed to be required to accomplish the environmental protection
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

These wells are installed for the purpose of ground water remediation, at the direction of the Nevada Division of Environmental Protection, under an order subject of Permit #NEV00020, issued 3/5/91, and are for the prevention of release into natural aquifers of any mill water contaminant. All water obtained under this and companion permits is returned to the mill circuit for re-cycling purposes, lessening the demand of make-up water from the primary supply sources for this milling operation. Estimated annual quantity return pumped into mill tailings pond: 480,000,000 gallons.

By s/ William A. Nisbet
421 Court St.
Elko, Nevada 89801

Compared ab/ se ab/se

Protested

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance for pollution control as mandated by orders issued by the Nevada Division of Environmental Protection and subsequent correspondence with said agency. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion. It is also understood that this right must allow for a reasonable lowering of the static water level of permittee's well due to other ground water development in the area. The well shall be equipped with a 2-inch opening for measuring depth to water. The State retains the right to regulate the use of water granted herein at any and all times.

* The right will cease to exist upon termination of clean up activity as determined by the Nevada Division of Environmental Protection.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 0.26 cubic feet per second, but not to exceed 188.2
acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be filed on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No. Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this..... 21st day of..... May.....

A.D. 1993

[Signature]
State Engineer

(PERMIT TERMS CONTINUED)

The total combined duty of water under Permits 39881, Certificate 11893, 42687, 7148, Certificate 13139; 47413, 47414, 48175, Certificate 13143; 54617, 56995-T, 56996-T, 56997-T, 56998-T, 56999-T, 57000-T, 57001-T, 58426-E, 58427-E, 58428-E, 58429-E, 58430-E, 58431-E, 58432-E, 58433-E and 58744-E shall not exceed 5834.9 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This permit is issued pursuant to the provisions of NRS 533.4375. Well drillers reports for any well(s) drilled under this permit shall be filed within 30 days from the completion of the well.

Within 30 days after the completion of the project, the permittee shall notify the State Engineer of such completion and all wells shall be plugged and abandoned in accordance with Chapter 534 of the Nevada Administrative Code.

#58431E

Amendment to #5

5. The water is to be diverted from its source at the following points within Lot 18 Section 4, T. 40 N., R. 54 E., MDM, from which the SW corner of sec. 33, T. 41 N., R. 54 E., bears:

- | | | |
|-----|-------------------------------|----------|
| a.) | N. 76°28' W., 3,838 ft. dist. | (DPS-11) |
| b.) | N. 72°34' W., 3,397 ft. dist. | (DPS-9) |
| c.) | N. 69°59' W., 3,105 ft. dist. | (DPS-7) |
| d.) | N. 71°20' W., 3,247 ft. dist. | (DPS-8) |
| e.) | N. 74°39' W., 3,614 ft. dist. | (DPS-10) |
| f.) | N. 78°18' W., 4,046 ft. dist. | (DPS-12) |